

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes No

Department: County Attorney

Staff Contact Person: Suzanne A. Hutton

AGENDA ITEM WORDING:

Approval to advertise a public hearing regarding changes to Chapter 3, Animal Control, Monroe County Code, and direction from the Board of County Commissioners as to the specific changes to be advertised.

ITEM BACKGROUND:

USFWS, the Nature Conservancy, the County's animal control contractors, County offices, members of the Commission and members of the public have been attempting for some time to address the issues surrounding curtailing the feral cat population and its impact on endangered species. It was determined a County Ordinance enforceable by animal control officers through a citation system, and other means, would help with this particular impact on habitat. Similarly, a positive impact on the environment was deemed likely if spay/neuter was mandatory, but allowing for a lawful exclusion. Chapter 3 was re-written to incorporate agreed upon changes, changes indicated as useful, and changes indicated by a model code and plan for pet-friendly ordinances, as well as much of the applicable statutes to enhance local enforcement.

On 2/15/06 the Board approved advertising a Notice of Intention to Consider Adoption of an Ordinance amending Chapter 3, Monroe County Code. The Notice (copy attached) was published on two separate dates in all three area newspapers prior to the public hearing as follows: The Reporter (3/3/06 and 3/10/06), The Keynoter (3/4/06 and 3/11/06) and The Key West Citizen (3/5/06 and 3/12/06). The Public Hearing was placed on the agenda for the 3/15/06 BOCC Meeting held in Marathon, Florida and advertised as Agenda Item Q-2. The public hearing was held on 3/15/06. Following the public hearing, the Board approved the Ordinance which was subsequently recorded as *Ordinance No 006 - 2006*.

Since that time, complaints have come from veterinarians and the public regarding the spay/neuter requirements at four (4) months. Currently this Ordinance, specifically **Section 3-13, Neutering of dogs and cats**, requires spay/neuter of a dog or cat at four (4) months of age or, if you choose not to spay/neuter, you must obtain an annual license for a fee of \$500 per animal.

PREVIOUS RELEVANT BOCC ACTION:

2/15/06 BOCC approval to advertise for one public hearing to be held 3/15/06 in Marathon to consider adoption of an Ordinance to revise Chapter 3, Monroe County Code.

3/15/06, a public hearing was held and the Board adopted *Ordinance No. 006- 2006* amending Chapter 3, Monroe County Code.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval to advertise public hearing detailing the specific changes to Chapter 3, Monroe County Code, the Board will be considering.

TOTAL COST: _____

BUDGETED: Yes ___ No ___

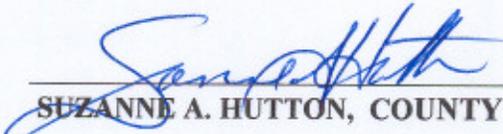
COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty X OMB/Purchasing ___ Risk Management ___

DIVISION DIRECTOR APPROVAL:



SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

3-12 Abandonment of Animals Prohibited.

(1) *Keeping or Abandoning an Animal on Private Property.* No person shall:

- (a) Impound or confine any animal in any place and fail to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,
- (b) Keep any animals in any enclosure without wholesome exercise and change of air, or
- (c) Abandon to die any animal that is maimed, sick, infirm, or diseased,

(2) *Abandoning an Animal in a Public Place.* No person who is the owner or possessor, or has charge or custody, of any animal shall abandon such animal to suffer injury or malnutrition or abandon any animal in a street, road, or public place.

Sec. 3-13. Neutering of dogs and cats.

(1) *Required Spay and Neutering.* No person in Monroe County shall own, possess, or have control or custody of a dog, or cat four (4) months of age or older which is not spayed or neutered except for those animals for which an exemption license has been issued.

(2) *Licensed Exemptions.* Owners and keepers of dogs and cats who do not want their animals spayed or neutered, regardless of the reason, shall obtain an annual license from their local Animal Control Office of Monroe County. The annual fee for this license shall be \$500 per animal.

(3) *Spay, Neuter or License for Exemption Required.* No dog or cat which is four (4) months of age or older shall be released by any County Animal Control officer to an owner or keeper unless said animal is spayed or neutered or licensed to be exempt from the spay/neuter requirement. A dog or cat requiring spaying or neutering may be released to the veterinarian of the owner's choice to be spayed or neutered at the owner's expense. Upon a finding that an animal will be suitably confined until the spay or neuter process, the Animal Control Supervisor may order impoundment in the owner's home under such rules as have been previously established in writing for the animal shelter where the animal has been impounded.

Sec. 3-14. Chaining and tethering animals prohibited.

(1) *Chaining to stationary objects.* No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to dog houses or any other stationary objects.

(2) *Chaining on private property in general.* No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to any object, stationary or otherwise, while said animal is on the property of the owner, the owner's landlord, or any other property in Monroe County.

(3) *Confinement.* Any dog confined within a fenced yard or pen shall be provided a minimum area of 150 square feet per dog within such enclosure for exercise. For properties which are not fenced, there shall be an enclosure made of chain link or similar fencing materials, with all four sides closed. The enclosure shall be of sufficient height to prevent the dog from escaping.

**NOTICE OF INTENTION TO CONSIDER
ADOPTION OF COUNTY ORDINANCE**

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on **March 15, 2006**, at **3:00 P.M.**, or as soon thereafter as may be heard, at the **Marathon Government Center, 2798 Overseas Highway, Mile Marker 47.5, Marathon, Monroe County, Florida**, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING CHAPTER 3, MONROE COUNTY CODE; PROVIDING CLARIFICATION OF AUTHORITY OF ANIMAL CONTROL OFFICERS AND OF OTHER PROVISIONS OF CHAPTER 3; PROVIDING FOR RABIES VACCINATIONS OF FERRETS AND CHANGING REQUIRED AGES OF CATS AND DOGS TO BE VACCINATED; PROVIDING PENALTIES ENFORCEABLE BY CODE VIOLATION PROSECUTION FOR DANGEROUS AND VICIOUS DOGS; PROVIDING FOR PROHIBITIONS AGAINST ABANDONMENT OF ANIMALS AND CHAINING OF DOGS; PROVIDING FOR REQUIREMENT OF SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR EXEMPTIONS AND ESTABLISHING CRITERIA AND PROCESS TO OBTAIN AN EXEMPTION FROM REQUIREMENT FOR SPAY AND NEUTER OF DOGS AND CATS; PROVIDING AN INCENTIVE FOR PERMANENT IDENTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard on this matter.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 22nd day of February, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court
and ex officio Clerk of the Board of County
Commissioners of Monroe County, Florida

(SEAL)

Publication Dates:

Reporter 3/3/06 – 3/10/06
Keynoter 3/4/06 - 3/11/06
KW Citizen 3/5/06 - 3/12/06